

November 19, 2003

**Via Electronic Filing**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St, SW  
Washington, DC 20554

Re: CS Docket 98-120

Dear Ms. Dortch:

On November 18, 2003, I met with Jon Cody, the media advisor to Chairman Powell. We urged the Chairman to reject any multi-cast must-carry proposals prior to a rulemaking on public interest obligations for digital commercial broadcasters. The networks and the broadcasting industry must provide commensurate public service if they are to receive what surely will be one of the biggest “give-aways” via publicly conveyed policy.

We also stated that, in our opinion, without evidence of additional free public interest service to the public in the form of digital programming and applications, it was unlikely the courts would support multi-casting must-carry (let alone digital retransmission consent). Finally, we reiterated our position that cable systems can be required to offer program/applications transport to unaffiliated digital TV programmers, given the correct policy framework.

Respectfully,

Jeffrey A. Chester  
Executive Director

cc: Jon Cody, Barbara Esbin, Johanna Shelton, Jordan Goldstein